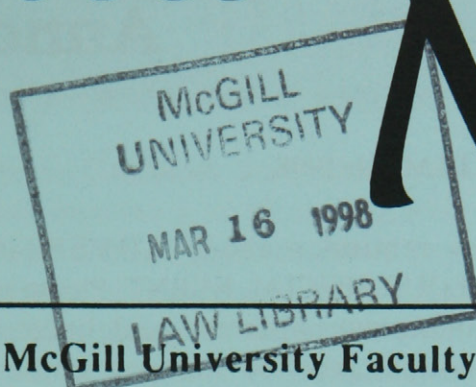




CRA

Quid Novi



Vol. XVIII, No. 21

McGill University Faculty of Law
Faculté de droit de l'Université McGill

March 16, 1998
le 16 mars 1998

Class of 2008 - Excerpt from a Student's Diary

MATIAS MILET
LL.B. II

March 3rd — I finally knocked on the door of "Michael Cartwright - Legal Recruitment Coordinator" and thought some joker was in his office because there was this big-pants dancing to Bran Van inside. "Call me Mike," the guy said, a little embarrassed. He introduced himself as "your coordinator."

He had us both sit down on chairs in front of his desk, real casual.

I put my problem to him. I had been unsettled by research into the origins of the modern law firm. I read out loud to him something I found from a twentieth-century pioneer of firm organization: "Every lawyer who enters the Cravath office has a right to aspire to find his life career there - but only by attaining partnership."

Mike asked where he could download this stuff. I told him it was from a book. I continued:

Ten years is too long for a man to remain a Cravath associate unless he has been told that the chances of his being made partner are still good. A man who is not growing professionally creates a barrier to the progress of younger

Last page

Top Ten Reasons Everyone's Walking Around In

Suits

STEVEN LEITMAN
NAT IV AND FASHION KING
AND THANKS TO NANCY SHIP FOR A HAND WITH THIS ONE

- 10) 38% of the students have nothing else that's clean.
- 9) The Faculty is regressing to the old days.
- 8) They're all anticipating the grand opening of the library.
- 7) Hoping a strange person will suddenly give them flowers.
- 6) Big sale at Eaton's.
- 5) In case a bunch of lawyers suddenly jump out of a dark corner and conduct an interview.
- 4) For comfort and convenience, you just can't beat a suit.
- 3) They all enjoy saying, "Oh this, it's my law suit."
- 2) Wacky clothing experiment being done at the faculty, testing just how many people can wear that ever-popular blue button-down shirt.
- 1) Under the (mistaken) impression that coffee house is still being sponsored.

Announcements

École du barreau - 1998-99 admission. Les formulaires pour l'inscription à l'école du Barreau de Montréal seront disponibles au U.S.O. dès le 16 mars, à 9h. Ces formulaires doivent être complétés et acheminés à l'école avant le 1er mai. Premier arrivé premier servi alors ne traînez pas si vous voulez avoir le choix pour vos blocs de cours!!!

MMACC/CCAMM: Next workshop: 18 mars 1998. Professeur Pierre Noreau, Université du Québec en Abitibi-Témiscamingue. "Les autres modes non judiciaires de résolution de conflits et le choix du mode le plus approprié" 12:30 p.m. in the Moot Court.

Do you care about sexual harassment at McGill? The administration of sexual harassment at our university has a long and controversial history. After four years of review, McGill University has just recently passed new sexual harassment grievance procedures. They include a new and expanded definition of sexual harassment, and new roles for those administering the procedures.

La Femme et le Droit tiendra, pour la deuxième année, une rencontre-discussion sur le harcèlement sexuel à McGill. Various administrators (including the Associate Deans of Graduate Studies and our own Dean Jutras) as well as student groups active on campus will be attending. Refreshments will be served afterwards.

La discussion aura lieu le mercredi 18 mars à 12h30 dans le Common Room.

Quid Novi
3661 Peel Street, Suite 15
Montreal, Quebec H3A 1X1
Canada

Tel: (514) 398-4430

Fax: (514) 398-8197

e-mail: quid@lsa.lan.mcgill.ca

web: <http://www.law.mcgill.ca/quid>

Quid Novi is published weekly by students at the Faculty of Law, McGill University. Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction.

O U S

Announcements

12 March 1998

A reminder about ADVERTISING YOUR SPECIAL EVENT. Please respect these two important guidelines: (i) all notices must be stamped at the OUS (maximum number permitted is six); (ii) do not post on glass, on classroom doors or on walls. Notices posted illegally will be taken down.

Application forms for the following POST-GRADUATE SCHOLARSHIPS are available from the OUS:

Macdonald Travelling Scholarship
Thomas Shearer Stewart Travelling Scholarship
Spiegel Sohmer Taxation Scholarship
John W. Cooke, K.C. Prize
Edwin Botsford Busteed Scholarship

Scholarship descriptions will be found in the red Faculty of Law calendar, also available from the OUS. **Deadline for submission: 1st April 1998.**

In addition, the Faculty offers a number of DISCRETIONARY PRIZES, awarded each year to Law students selected by the Prizes & Scholarships Committee and

Faculty Council. You may nominate a fellow student, *or yourself*, for such recognition. Nomination forms are available from the OUS. **Deadline for submission: 1st April 1998.**

If you have a first term SUPPLEMENTAL or DEFERRED examination to write in August and have not yet done anything about it, pick up an application form from the OUS and return it before April examinations begin. The cost is \$10.00 per examination.

Students who write their EXAMINATIONS at the OFFICE FOR STUDENTS WITH DISABILITIES are reminded to contact that office *immediately* to complete the necessary paperwork.

If you have not yet picked up your Term II EXAMINATION NUMBER, come to the OUS (Room 16) for it between 09:00-16:00h daily. Don't wait until the morning of your first exam!

MAILING LABELS for EARLY REGISTRATION MATERIALS will be generated on 23rd April, selected by HOME/MAILING address. This means your Early Registration package will be sent to your Home address, unless your Mailing address is the only one the university has on file. You may update either of these addresses using OASIS (closest terminal, Powell Student Services Building, across Peel Street).

The OUS still has a crate full of papers and essays from the first term. If you want yours, please pick up before Friday 27th March. Papers remaining after that date will be recycled.

Editor-in-Chief	Davide Pisanu
Assistant Editor (English)	Daniel Westreich
Assistant Editors (French)	Kristèle Younès
	Anne-Charlotte Martineau
News Director	Myriam Bohémier
Layout Editor	Mathieu Legris
Web Master	Andrew Bowers
Financial Officer	Grégoire Baillargeon
Administrative Officer	Martine Tremblay

Written contributions must be submitted in electronic form, in either Microsoft Word 6 or less or WordPerfect 6 or less. Disks or artwork can be left in the Quid Novi box in the LSA office or at the Quid Novi office. Written contributions can also be sent by e-mail. Deadline is each Wednesday at 12:00.

Droit des conjoints de même sexe:

MATHIEU BOUCHARD
BCL II

une mise à jour

Lors de la table-ronde sur les droits des gais et lesbiennes tenues à la faculté le 18 février dernier, nos deux invités ont abordé plusieurs aspects de la lutte des conjoints de même sexe pour la reconnaissance légale de leurs relations. J'aimerais donc par ce qui suit mettre l'ensemble des étudiants au fait des derniers développements en la matière, puisqu'il semble que l'on assiste enfin à un certain «déblocage» chez-nous, rattrapant une partie du retard pris par rapport à d'autres juridictions, en particulier les pays du Nord de l'Europe.

Ainsi, le 4 février dernier, les conjoints de même sexe de la Colombie-Britannique se voyaient reconnaître des droits en matière de garde d'enfants et de visite en cas de rupture de leur relation, et ce autant pour leurs enfants biologiques que ceux de leur conjoint. Cet amendement à la *Loi sur les relations familiales* leur permet de plus de conclure des ententes écrites concernant la division de leur propriété. De même, les enfants qui partagent leur vie peuvent désormais leur réclamer le versement d'une pension alimentaire dans le cas où le couple en viendrait à se séparer, tout comme c'est le cas pour les enfants des couples hétérosexuels. Ajouté au droit à l'adoption que les couples homosexuels possédaient déjà depuis quelques années, cela fait de la Colombie-Britannique la province la plus avancée en matière de reconnaissance des droits des conjoints gais et lesbiennes.

Le Québec, quant à lui, traîne de la patte de façon honteuse, et ce malgré les résultats de nombreuses enquêtes qui les unes après les autres confirment que de

tous les Canadiens, les Québécois sont les plus ouverts à la reconnaissance des unions entre conjoints de même sexe et la présence au pouvoir du seul parti politique québécois ayant officiellement à son programme une telle reconnaissance. En effet, et le Parti libéral et l'Action démocratique, même s'ils ne se montrent pas pour autant réfractaires à la question, sont totalement silencieux quant aux questions gaies et lesbiennes dans leurs plateformes électorales respectives.

Mais les choses risquent peut-être de changer d'ici peu. Tout dernièrement, un document intitulé *Vers l'égalité dans nos relations de couples* et préparé par la Table de concertation des gais et lesbiennes de Montréal a été présenté à l'ensemble des élus de l'Assemblée nationale. Ce document propose d'accorder aux couples homosexuels les mêmes droits que ceux reconnus aux conjoints de fait hétérosexuels ainsi que la création d'un registre où les conjoints de fait, qu'ils soient de même sexe ou de sexe opposé, pourraient enregistrer leur union et ainsi bénéficier de certains des droits et des protections attachés traditionnellement à l'institution du mariage. Les droits reconnus aux conjoints homosexuels comprendraient entre autre celui de prendre des décisions quant aux soins médicaux à prodiguer à son conjoint en cas d'urgence, le droit au versement d'indemnités d'assurances - publiques ou privées - ainsi que le droit au versement d'une rente ou d'allocations en cas de décès. Ce projet a d'ailleurs déjà reçu le soutien de la Fédération des femmes du Québec et est étudié en ce moment par les organisations

syndicales. Il est évident que ceci ne constitue encore qu'un premier pas et qu'avec les odeurs d'élections qui flottent dans l'air en ce moment (même si la situation au Parti libéral risque fort d'avoir un effet dilatoire), il n'est pas certain qu'un tel projet puisse être adopté avant la fin des travaux parlementaires à Québec.

Pendant ce temps, en France, le gouvernement socialiste de Lionel Jospin étudie la possibilité de mettre en place une nouvelle forme d'union: le Contrat d'union civile et sociale. Ce contrat aurait pour particularité de s'adresser à toutes les personnes vivant une certaine relation de dépendance affective et économique avec une autre personne, que celle-ci soit un frère ou une soeur, un colocataire ou un conjoint de fait, qu'il soit ou non de même sexe, et non pas seulement aux conjoints homosexuels. L'accent ne serait alors plus mis sur la caractéristique sexuelle sous-tendant les relations entre les membres des cellules à la base de la société, mais plutôt sur les liens de support et de dépendance mutuels qui se développent nécessairement lorsque des êtres humains font vie commune. Il est évident que la reconnaissance d'un tel genre d'unions n'est pas sans poser certains problèmes d'application, entre autre eu égard à la place que les enfants y occuperont, mais il sera des plus intéressant de voir quelles solutions proposeront ceux et celles qui planchent actuellement sur la question.

Enfin, il est intéressant de noter qu'après le Danemark, qui fut le premier

Page 5

A proud sponsor
of the Quid Novi
for 1997-98



McMaster Meighen
SOCIÉTÉ EN NOM COLLECTIF
Avocats

Fier de commanditer
le Quid Novi
pour 1997-98

Lionel Hutz heads to playoffs on a high

ALLEN MENDELSON
BCL I

Overcoming a very short bench, the absence of three of their top scorers, and considerable pain, Lionel Hutz finally earned their first victory of the season with a courageous 5-3 decision over the Leafs (F.A.) in Men's Intramural ball hockey last Saturday.

Playing with only three defence-
men and four forwards, Hutz showed tremendous grit in beating a full-strength Leafs team. The effects of the short bench were compounded by the events of the previous evening. After two of Hutz's players gave their all in a scrappy ice hockey playoff loss, no less than five members of the team were seen partying hard until roughly 4:00 A.M., with the aid of team sponsor Mario. To their surprise, they discovered that drinking beer, bad sparkling wine and every flavour of clear alcohol may not be the best recipe for peak performance the following day.

Despite their condition and even with some of their best scorers elsewhere, Hutz was able to generate offence on all fronts. Marc Miller was splendid in leading the way with a pair of goals, even though he lost two valuable hours of sleep by mistaking the starting time. Other goal scorers included Bill Hlibchuk and Mark Luz, who worked hard despite being practically unable to stand. Allen Mendelsohn, playing his first game at forward this season, sealed the victory with the insurance marker in the last half-minute after being frustrated all game, unable to finish good set-ups by linemate Jeff Nichols.

Compelling Questions in Law...

REIKO CYR
BCL III

Do you ever get the feeling that Law is like a giant tube of Crest and you are the toothpaste being squeezed out? Or that Law is that hat your aunt bought you for your birthday and it is too small so it squishes your head into new shapes... or a pair of uncomfortable shoes that makes you walk funny. I can only guess that any one of these may be the source for the following compelling questions that have popped into my head during my time here:

Where is the man on the Clapham Omnibus going?

Does the bon pere de famille help with the cooking and housecleaning?

Does the tax code have special provisions for business people with very long arms?

Where on the piano is the head-note?

What shoe size fits the Chancellor's foot?

When will they stop teaching us criminal law and start teaching us honest law?

If I don't take Equity and Trusts,

will I graduate with biases and suspicions?

If I rip Elmo's head off, is that dismembering property or abusing it?

When a creditor just pretends to register a hypothec, is this fake security?

Can I call that black robe that lawyers wear in court, a lawsuit?

If I ran you over by accident, got out of the car and pushed you ahead a few feet, will they study this in Advanced Torts?

Does a left-handed judge apply a different rule of thumb?

Why do judges bother to lift the corporate veil when we all know that you can see right through it?

Is anti-trust law supposed to make companies suspicious of each other? If so, then how can competition ever be friendly?

If I intend to have no intent and I am successful, is this still mens rea?

Does the reasonable man ever get mad?

How many years did it take before Chancellor Day became old?

If I think that all legal systems in the world suck, does this make me a critical legal pluralist?

- R. Cyr BCL XXII (with appropriate blame also going to L. Mirella...)

The defence core of Vic Constantinescu, Witold Tymowski and Hlibchuk showed heart and stamina all game against the fresher legs of the opposition. Goaltender Damion Stodola, when not arguing with referees, made several excellent stops, never allowing the Leafs to get the lead.

The team was given an extra boost by the presence of the biggest crowd of the season (Yasemin and Clare), and the desire to go into the playoffs on a roll. Hutz is clearly better than their 1-3-1 record indicates, and could conceivably win a few more before the season is done.



P o l e m i c a l P r i m e

SOULETTE GRAY
BCL II

You are in your prime
When you can celebrate your primitive
You are ripened by time
When to your whole authentic existence you are sensitive
We cannot out the primitive flame
It will burn its way till morning just the same
Even when we choose to play the "civilization game"
Otherwise known as politics (or polytricks?)
Our efforts to decipher the defining characteristics
Of our common humanity have given us many teoretics
However, there is nothing about the primitive that is random
There is a unifying formula to everything in our tangible world-dom
The roots or which cannot be fully captured on a human made spectrum
Still, there is a lot we don't understand about the ways of the simple
Accordingly, that there is an inherent shame that plagues those who stray
away from being humble
These people are always on the verge of an internal crumble
To deny in ourselves the existence of the primitive
Is an action doomed to be counter-productive
Many so called rational people still operate under the social policy of fear
Without even being aware
That "civilisation" without consciousness is neither here nor there
That is why the sophist likes to hide behind the civilized logo
Because they can carve a rhetorical niche out of it big enough to house
their ego
Disproportionately abundant love of self
Has put the better part of the primitive in us on a shelf
There is wisdom in having a complete awareness of our primitive
There is something admirable to be said about nations that live
Close to nature, in harmony with the basic, down to earth, close to the
root
And so, for those among us who don't care a hoot...
But remember, the owl sees well at night
Because it is equipped with a primitive internal absorber of light.

Droit des con- Joints de même sexe_

SUITE DE LA PAGE 3

pays de la planète en 1989 à reconnaître un «partenariat» homosexuel (une forme de mariage sans possibilité d'adopter des enfants), les autres pays scandinaves (Norvège, Suède, Islande et Finlande) ainsi que la Hongrie (en 1996) l'ont suivi sur cette voie. Quant aux Pays-Bas, ils ont préférés adopter un modèle qui permet la reconnaissance des conjoints de fait homosexuels et hétérosexuels et qui leur accorde les mêmes droits (depuis janvier 1998), de plus en plus de gens parlant d'ouvrir le mariage à tous les couples dès l'an 2000. Dans tous ces pays par contre, la seule pierre d'achoppement reste le droit de concevoir et d'adopter des enfants.

Tout ceci pour dire qu'après 20 ans de revendications, les législateurs commencent enfin à donner effet aux revendications des gais et lesbiennes. Et s'il est vrai que la lutte est loin d'être terminée (à ce sujet, il sera intéressant de voir si la Cour suprême du Canada acceptera d'étendre la définition de conjoints de la *Loi sur la famille* de l'Ontario aux conjoints de même sexe à l'occasion de sa décision dans la cause *M c. H.* entendue mercredi prochain), il est maintenant possible d'apercevoir des signes encourageants de réforme. Il faudra par contre encore se battre durant plusieurs années avant que le droit au mariage - ou à tout le moins à une forme d'union quelconque - et celui à l'adoption ne deviennent réalité partout au Canada. Et pourtant, tout ce que nous demandons, c'est de voir notre droit d'aimer enfin reconnu...

P.S.: Ceux et celles qui s'intéressent plus particulièrement à la question peuvent lire le dossier portant sur la question dans le numéro de mars de *Fugues*.

Humanæ Vitæ, Ultra Vires

MARK SEARL
LL B I

February marked the ten year anniversary of the Supreme Court of Canada's landmark decision in *R v. Morgentaler*, the now well-known case in which Canada's abortion laws were successfully challenged and declared to be unconstitutional. Similarly, January marked the 25-year anniversary of the controversial judgment handed down by the US Supreme Court in *Roe v. Wade*.

Since the time of these judgments, both US and Canadian courts have acted with increasing boldness to justify the termination of those born and unborn in a variety of circumstances; in the Canadian context, one is reminded most readily of the recent Latimer judgment. It is tempting to review these cases on their own grounds, and to question, for example, the emphasis placed on the concepts of "liberty" and "security of the person" by the majority of the Court in *Morgentaler*.

There is, however, a threshold issue that is often not considered in the wealth of debate on this subject, and which arguably deserves to be explored more fully.

The issue involves the unique arbitrary quality that is present in a variety of human decisions, especially those in which individuals attach value to objects. In the automobile industry, for example, it is a well established principle that a new car, once delivered, cannot be resold for the same price as that for which it was purchased, even if this resale occurs within mere hours of the original purchase. Indeed, the new car is notionally deemed to decline by an average of 20% in value the moment it is driven off the dealer's lot. There may be a variety of plausible economically-based explanations for this calculation; still, one cannot help but be struck by the gen-

eral aura of "industry caprice" that the calculation exhibits. What, after all, has really changed about the car in the split seconds after it is driven off the dealer's lot? It carries the same components, and quite likely functions in the same way, as it did in its final moments on the dealer's premises. In those minutes or hours before the effects of age and wear set in and have any significant effect, the only seeming difference between those cars still on the lot and the newly purchased one is the notional difference that is automatically ascribed to the latter by men themselves - the automobile dealers and insurance companies.

Should the automotive moguls be able to exert such arbitrary power on the consumer? To a large extent, they should. Among the many justifications that can be raised for their influence is the fact that the car is a man-made object, and there is no compelling reason why individuals should not be able to determine at will the value to be given to their own creations.

Should the Supreme Court of the nation, however, be able to exert a similar caprice when it comes to the determination of life? For indeed, there is an unmistakably arbitrary quality that underlies judgments such as *Morgentaler*, or principles such as the "born alive" rule. If one considers the strict developmental status of the foetus, there is no relevant difference between that foetus in its final moments of gestation and the same foetus in the split seconds after it has emerged from the mother's womb. It has the same components, and for all relevant purposes, functions in the same way as it did just before it was born. Yet the law attaches to the emerged foetus a notional difference, the concept of "personhood." From this ascription, as everyone knows, a number of significant consequences result, particularly for those foetuses that are not yet deemed "persons".

The judicial determination of

when life begins or at what stage foetal development can be reasonably terminated is troubling, particularly in light of the now overwhelming body of evidence from geneticists and neurologists indicating that the creature in the womb bears, even at the moment of conception, the characteristics necessary for functioning throughout its lifetime as a fully fledged human individual. If the genetic codes that determine how one will look and behave at age 70 are fully present and operational at conception, what really is the value of an artificial concept such as "personhood" that only takes effect nine months into that individual's existence? Furthermore, is the gestational function of a mother's womb from conception to birth no more significant than the function of storage attributable to an automobile lot? On what grounds can a judicial tribunal disregard the substantial medical persuasions, or even the requirements of common sense?

This leads to the argument that the foetus is a human creation, and that until this creation is capable of making independent choices in the world, it remains determined by the need and concerns of those already capable of making choices - concerns such as the "liberty" of the mother, or her "security of the person". Yet this is where the differences between a foetus and an automobile are most significant, for unlike a car, human life is not entirely the product of human creation. Conception is a miracle that medical professionals still cannot entirely explain, or manipulate with precision. The discovery of pregnancy is an experience that continues to fill even veteran parents with joy and wonder. Human beings clearly contribute to the creation of life, but it is concomitantly true that in a real sense, the process is beyond human control. This is why one may say that although men have killed each other for

The McGill Law Journal

NLM

PAGE

McGill Law Journal Gallery

Sarah Maywood, Executive Editor, Vol. 43

The *McGill Law Journal* has just elected its Executive for Volume 44. The flickering flares of the flaming flambeau¹ will be handed over to Editor-in-Chief, Karlo Giannascoli; Executive Editor French, Nathalie Weizmann; Executive Editor English, Andrew Grossman; Managing Editor, Pascal Ouimet; Book Reviews Editor, Terence Filewych; Case Comments Editor, Matias Milet; and Solicitations Editor, Mary Corsi.

Any law student who has ever visited the dungeon of 3661 Peel Street has taken a stroll down our hallowed hall to admire the mugshots of past *Journal* members. Although there are no portraits for the early Boards, the masthead lists Prof. Brierley, Judge Benjamin Greenberg, Richard Pound² and Prof. Scott.³ 1974 inaugurated the tradition of framing *Journal* members for posterity. A few notables are Prof. Healey,⁴ Prof. Harvison Young,⁵ Dean Toope, Me. Barbeau, Prof. Kasirer, Prof. Lametti, Me. Morrison and Prof. Saumier. If the D.L.R. does not need editors, at least we can return to McGill!

M
CROISÉ
T

Et oui, le temps est venu pour le deuxième mot croisé. Il sera plus coriace pour ceux qui n'ont pas vu leurs connaissances ébranlés lors du dernier mot croisé. The theme of this week's crossword is "personalities *et al.* of the law faculty".

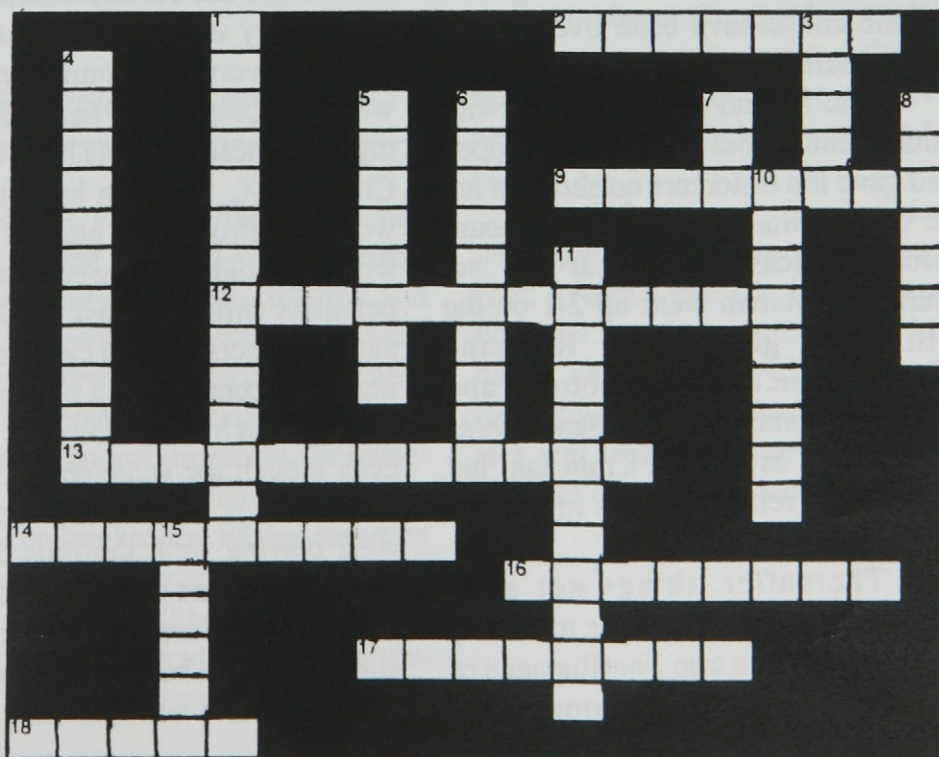
Across

Down

1. Captain Kirk
3. "Send in the troops" advocate & animated professor
4. President of Angus Corp. & McGill Grad
5. L'extraordinaire rival hebdomadaire de la Revue de Droit de McGill
6. Great Paul Newman Lawyer flie
7. Law Faculty Computer Genius, known lovingly as...
8. One of two viruses affecting McGill Law students
10. L'autre virus touchant les étudiants en droit à McGill
11. VP, International Olympic Committee & former Law Journal Editor
15. Cinéma à deux piasses

1. Cave Case, *First Year Property* (1995: Klinck).
2. V.P. International Olympic Committee.
3. Who as Editor-in-Chief in 1967 published three of his own articles. See generally, S. Scott, "Constituent Authority and the Canadian Provinces" 12 McGill L.J. 528; S. Scott, "Note on the Nature of Legal Interest in Constitutional Litigation" 12 McGill L.J. 136; and S. Scott, "Editor's Diary" 12 McGill L.J. 337.
4. Check out the beard!
5. *Sub nom.* Alison L. Young.

2. Faculty Prof and new daddy
9. President, Harvard Board of Governors and Overseers
12. Canada's Free Trade Ambassador & McGill Grad
13. Procureur particulier de Bill Clinton
14. Professeur de la faculté et nouvelle mère
16. Le sujet du dernier numéro spécial de la Revue de Droit
17. Soirée récente de saoulerie et de honte
18. Coffee House-friendly professor



March Madness, Part I

WHITE FISHER

What with Spring Break being over, and the end of term all too dangerously in sight, the sounds of joy coming from McConnell Winter Arena can only mean that it's playoff time for intramural hockey. This reporter has four games with which to entertain you, so fasten your seat-belts, lads and lassies!

First out of the gate was **Malum in Se**, playing the first in a four game round robin tournament to decide the finalists in Women's A. Their opponents were the Enforcers, a team that Malum had fallen to earlier in the season, and here they were without a goalie.

The Enforcers were the first to crack a tight game at 8:30 of the first period, but Malum came right back on a wrist shot from Sarah to tie the game at 11:15. The balance of the first was a virtual demonstration of how to control the puck in your opponent's zone by Malum. Point players stepped up at just the right time, either for shots on net that yielded rebounds, or to pass into the corners. From there, truly hard-nosed forwards dug out the puck and centred relentlessly. But for the grace of the Enforcers' goalie, this game could have been over with a full period left to play.

The second period opened with a Malum penalty, but the defence stepped up and gave the Enforcers no shots on net while still maintaining a serious amount of offensive pressure. So great was that pressure that Malum went up 2-1 on the shorthanded goal from Roxanne Veilleux, pouncing on a rebound and slamming it home. Second-chance shots paid off again, as Kirsten Crain laid her backhand on a rebound to put Malum up 3-1.

Thereafter, things got a bit strange. Malum was called for too many players on the ice, a true Snufflupagus of a call in this league. No sooner had

Malum killed that minor off than Alex Johnston was called for a high-stick after an Enforcer had lifted it off the puck. Such excitement was not to end with the Malum game; indeed, a darker time in McGill intramurals has rarely been seen. The game was capped off with a second goal for Roxanne, and a fairly solid 4-1 win for Malum. Although the team was less than pleased with their overall play and performance, their resilience and toughness in the offensive zone, as displayed here, will serve them well over the remainder of the tournament.

Next up were the **Prosecutors**, facing arch-nemesis Tabersnack in the first of their four-game round robin. There was no love lost between these teams during the regular season, but their games were always solid and not too chippy; they were physical but clean. So too this game, at least so far as the teams were able to play it without interference from one referee.

Gather 'round, kids, and I'll tell you a story of revenge. Once upon a time, there was a ref who tried and failed to get into law school. Then, he got kicked off the varsity hockey team for disciplinary issues. He got hired on as a ref in the very same intramural league in which he played. He faced the Pros one night and nearly got his head taken off by Christian X. But then he got the call to work the Pros' first playoff game, and work it he did. There were a total of eight penalties called against the Pros to two against Tabersnack. In case you're counting, eight penalties in a match equals forfeiture, which means the Pros went down even though the game was tied at 2 with five minutes left to play. Both goalers were playing well, the Pros defence and outlet passes had never looked better, and the forwards were exerting serious pressure in the Tabersnack zone. All this while Dan Elie was spending most of his

time on the ice from Tabersnack shots in the back, front, side and head, all without a single call in his favour. You know a ref has botched a game when the winning team wishes he'd just have stayed the hell out of things, and when your protest after the game results in a rescheduling of the game. Hopefully the Pros will take away the positive aspects of this game into the next, and leave behind the nonsense that plagued this game and intramural hockey at this university.

Spawn of Fagan faced off against Fur in a single elimination contest Friday night while I was at Ron Sexsmith, so this report comes to you courtesy of cub reporter Dean Taylor and various conversations with Fagan players at the Skit Nite party. My apologies. It seems that Fagan too managed to catch the ref bug that had beset the two previous Law teams, resulting in their losing a game on penalties called as well. While the score was less in their favour than was the case with the Pros, it was the basic frustration of having calls go against you rather than for you that led Fagan to the box again and again. Defender Ron Finley called it one of Fagan's best games of the season, and from him I'll believe anything. My true regret is that I missed so many of this team's games this season, and not all because I was on some pisstank walkabout either. So to Finley, Kleinmeyer, Marc Miller, Steve Kim, Nik Diksic, JP Murdoch, Dan X, Steve Leitman, Allan Mendelsohn and anyone else I've forgotten, congratulations on a season well played, if abysmally reported.

The final Law team to play was **Chix with Stix**, going up against the number two team in the league, Tuff Schist (from Geology, no less), in single elimination play. In the Chix this reporter sees the best that intramural sports has to offer. This group of girls came together

back in October, many having never skated seriously before, and many never having met each other. A mere four months later, they are a cohesive unit, cheering each other on, supporting each other amid defeat, and picking each other up off the ice. Given the travesty witnessed earlier in the week, seeing a Chix game made this reporter feel that everything was right with the world again. Especially when Suzanne Davies got off the pithy and eloquent "Damn you, Dan!" with seconds left in the game.

Sadly, sentimentality does not make a winner. The Chix went down to the Schist 3-1, with all three goals scored by one Schist player on wrist shots to the top corner. A-C Berube had no chance on any of these shots. On the Chix side, Sheema Hossein thrilled the crown with her trademark end-to-end rushes, ringing one shot off the post and creating a rebound that bad-ass Elise Renaud knocked in for the Chix' only goal. Strong forward work was done by Linda Jensen and the aforementioned Suzanne Davies, and the balance of the defensive core (Steph Taylor, Mala Khanna, Sam Callow) kept the game tight all night long. I cannot leave reporting on this team without commenting on the finest squealer around, Stephanie Lawson, whose outbursts prior to falling, colliding, shooting and stopping made my day more times than I can count. God love ya, Chix!

The playoffs continue, and so do further reports from your Man at McConnell. Come out and see a game, why don't ya? You too might get the chance to call a ref a motherf***er for five straight minutes. And nothing tastes better in a hoarsened throat than a jar of the Brass's finest.

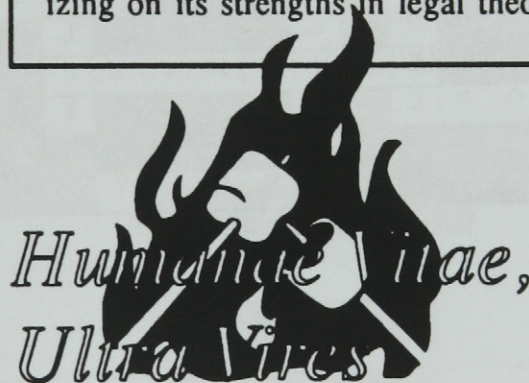
- David White, Nat. IV



B It Is

BENJAMIN ARCHIBALD
LL B I

The Faculty has decided to go ahead with plan B, radically altering McGill's law curriculum. Although the changed curriculum does not directly effect us in first year, it will change the face of the university. McGill will become a transsystemic environment, as opposed to a streamed one, capitalizing on its strengths in legal theory



CONT'D FROM PAGE 6

thousands of years, human life has remained among the most valued possession of individuals in all cultures and societies, regardless of era. In the final analysis, all persons are capable of realizing that life, both at conception and long after birth, is an awe-inspiring phenomenon; it is a fundamental human good.

The implication of this assertion is that beyond the mere arbitrariness of what has been called "the judicial usurpation of politics" in deciding cases involving abortion and also euthanasia, there is

and international law.

At the outset, I, along with a majority of the students in the faculty, was wary of plan B. Now that it has been adopted, the faculty has to unite behind it, supporting its merits while addressing its weaknesses.

Ironically, the new 'open international' McGill must learn from Lenin: democratic centralism is in, while open rancorous debate is out.

Hopefully our next Dean won't take advantage of the Leninist tradition by imposing a reign of Stalinist terror on the guinea pig transsystemic students of 1999.

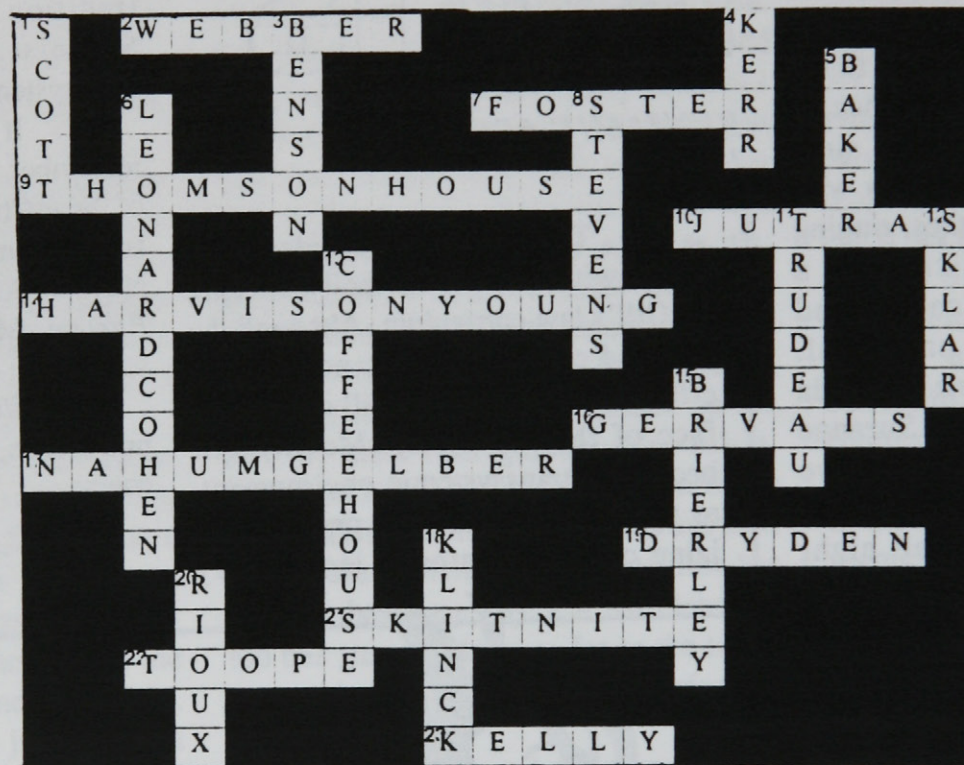
It is important that the faculty remember the inscription on the walls of New Chancellor Day Hall, before it is abandoned for the ever-progressing Nahum Gelber Library. *Audi Alteram Partem*. Make sure to listen to your students in the coming years.

We all want Plan B to succeed but please, no full-year Foundations course.

a more fundamental problem of judicial powerlessness in determining when life begins or can be ended. The threshold question, whether the courts can act with any authority at all regarding such issues, must be answered almost entirely in the negative; nor can it be resolved by assigning such decisions to the legislature.

It is open to the judiciary and the legislature to state the nature of the case, to agree that life begins at conception, and to enforce rules of law in accordance with this principle. Apart from this, however, their hands are tied; there is a real lack of competent jurisdiction; their actions are ultra vires.

Journal Puzzle 1



10

ACROSS

2. Heading Downunder
7. Here From Downunder
9. Soup & Sandwich
10. Once Refused Admission at McGill
14. 1997 Teaching Excellence Award Recipient
16. Student Affairs Officer
17. Major Library Donor
19. McGill Grad Hockey Great
21. Charitable Event
22. George Clooney Cut
23. I.S.A President

DOWN

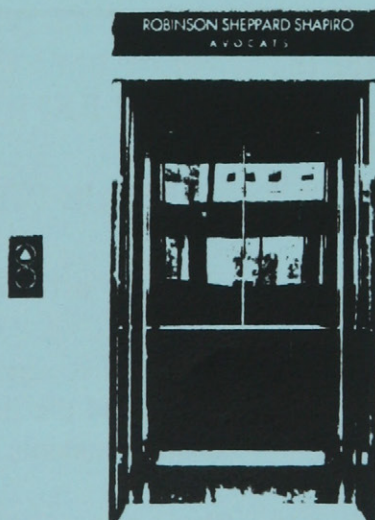
1. Recent SCC Pleader
3. Big Hair, Turtle Necks & Velvet Suits
4. Admissions Coordinator
5. Associate Dean, Graduate Studies & Research
6. McGill Law Dropout & Poet
8. Law Journal Faculty Advisor
11. Author of 1962 Journal Article & Former PM
12. Woody Allen + Allen Dershowitz =
13. Free Booze & Food
15. Father of the National Program
18. Doctorate in Jacobian Drama
20. Secretary to Dean Jutras, Aude

Atteignez les sommets de la profession en 36,5 secondes.

36,5 secondes et 47 étages,
voilà tout ce dont vous avez besoin
pour démarrer votre carrière.
Chez Robinson Sheppard Shapiro,
nous ne faisons pas que
vous offrir une ascension rapide,
nous vous offrons également
des avantages uniques :
responsabilités accrues, autonomie
et atmosphère de travail conviviale.
Mais notre ascenseur, aussi rapide soit-il,
ne peut accueillir que trois
ou quatre passagers à la fois.
Voilà pourquoi nous sommes si sélectifs.
Alors si vous désirez atteindre
les plus hauts sommets pour y demeurer,
qu'attendez-vous pour monter ?

Pour venir nous rejoindre, contactez

Me Jacques Bouchard Jr



ROBINSON SHEPPARD SHAPIRO
A V O C A T S

800 Place Victoria, 47^e étage, Tour de la Bourse, Montréal, Québec H4Z 1H6

Class of 2008 - Excerpt from a Student's Diary

CONT'D FROM PAGE 1

men tends to sink into a mental rut - to lose ambition . It is much better for the man, for the office and for the clients that he leave while he still has self-confidence and determination to advance.

A model for exploitation or for keeping team spirit at a high pitch? I explained to Mike that some saw this system - in which at most one out of fifteen entering associates can expect to make partner - as treating young lawyers like so much cannon fodder. I wondered whether he felt this was an accurate view.

Mike asked if I wanted to do an SST. A skills set test.

I don't want to be told I would make a great forest ranger, so I said no. "What I want from you," I told him, "is some idea of whether I'd be happy practicing law under the Cravath system. Before I feel like I'm like one

sperm cell among many trying to break into the egg of profit-sharing."

He said he could help with career alternatives in case I feared being flushed out. "What do you like to do?" he asked.

I cooperated: "Helping people."

He brightened and said he had been a high school guidance counselor for five years before joining the law school, that this was the perfect job for those who take confusion seriously.

His career path was certainly interesting. "So, you've never worked in law - before this job?" I asked him.

He shrugged in a pretty sympathetic way. This guy was really at ease with himself. "I saw some John Grisham movies as a kid."

We talked for a while about what he called "The Pelican's Brief", then somehow the conversation came around to fishing. We had both been to the same pay-per-fish trout ponds. He pointed to a hefty brown trout mounted on his wall. While staring at its glass eye, thinking it was the wrong colour, I decided to leave.

I remember his last words, called out into the hallway after I'd walked out: "If you solve your big-firm questions, tell me where the answer can be found."



The year is almost coming to an end for the International Law Society, and so we have only a couple of MAJOR events in store for you. We really encourage you to come out for them because they will be absolutely fantastic!! The next one is... (drum roll please...)

LA LIEUTENANT GOVERNOR DU QUEBEC

**Son Excellence,
L'honorable LISE THIBAUT**

**will be coming to OUR faculty
Wednesday, March 11th, 1998
Common room @12:30**

FREE REFRESHMENTS WILL BE SERVED

**UNIQUE CHANCE to MEET and TALK with
her PERSONALLY
after the discussion & questions**

After a discussion and questions, refreshments will be served and the lieutenant-governor is looking forward to meeting students individually to chat with them.

This is an UNIQUE chance to come hear Quebec's lieutenant-governor speak and answer any questions (except those which are too political in nature) which you may have gotten in your constitutional law classes or anywhere else!

SO COME AND ENCOURAGE PARTICIPATION!!!